

Appl. No. 10/016,411
Amdt. Dated March 1, 2004
Reply to Office Action of December 5, 2003

•• REMARKS/ARGUMENTS ••

The Official Action of December 5, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that transverse opposite outer terminal side edges of the liquid-pervious topsheet and the skin-facing sheet at the longitudinal central portion are not coextensive with one another in the transverse direction, and to further recite that the transverse opposite outer terminal side edges of the skin-facing sheet at the longitudinal central portion are spaced apart upward and inward from the transverse opposite outer terminal side edges of the liquid-pervious topsheet at the longitudinal central portion as the undergarment is curved in a longitudinal direction thereof with the skin-facing side of the liquid-pervious sheet inside.

Support for this limitation can be readily found in the drawings, particularly Figs. 4 and 8.

Entry of the changes to the claims is respectfully requested.

Claims 1-7 are pending in this application.

Claims 1-4 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,304,159 to Tanji et al.

Appl. No. 10/016,411
Amdt. Dated March 1, 2004
Reply to Office Action of December 5, 2003

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tanji et al. in view of U.S. Patent No. 6,527,756 to Mishima et al.

On page 4 of the Official Action the Examiner has objected to claim 6 as being dependent upon a rejected base claim, but has otherwise indicated that claim 6 would be allowable if rewritten in independent form.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art or record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Tanji et al. as disclosing a disposable undergarment having longitudinally opposite end regions and transversely opposite side regions, a liquid impervious base sheet 12, a liquid absorbent panel 13, a liquid pervious topsheet 11, and an elastically stretchable skin-facing sheet 14 attached to the skin-facing side of the topsheet.

The Examiner states that the skin-facing sheet 14 of Tanji et al. comprises fixed regions on longitudinally opposite end regions, a longitudinally middle region, and a pair of transversely side regions helping define leg-holes as shown in figure 1.

The Examiner states that in Tanji et al. the topsheet 11 and the skin-facing sheet 14 are substantially coextensive in the transverse direction, as shown in figure 1.

The Examiner further states that:

Appl. No. 10/016,411
Amdt. Dated March 1, 2004
Reply to Office Action of December 5, 2003

The longitudinal central portion of the skin-facing sheet 14 has a width that is smaller than a width of the underlying central portion of the topsheet 11, as shown in figure 2.

The manner in which the Examiner has relied upon figure 2 of Tanji et al. as showing the longitudinal central portion of the skin-facing sheet 14 having a width that is smaller than a width of the underlying central portion of the topsheet 11, requires a measurement of a portion or folded portion of the "second topsheet 14" that the undersigned guesses to be from the first inner side edges 19, second side edges 20, bottom side edges 21, or some other obscure portion of the "second topsheet 14."

Applicants' pending independent claim requires that that transverse opposite outer terminal side edges of the liquid-pervious topsheet and the skin-facing sheet at the longitudinal central portion are not coextensive with one another in the transverse direction, and to further recite that the transverse opposite outer terminal side edges of the skin-facing sheet at the longitudinal central portion are spaced apart upward and inward from the transverse opposite outer terminal side edges of the liquid-pervious topsheet at the longitudinal central portion as the undergarment is curved in a longitudinal direction thereof with the skin-facing side of the liquid-pervious sheet inside.

The only transverse opposite outer terminal side edges of the "second topsheet 14" and "first topsheet 11" of Tanji et al. that are coextensive as shown in Fig. 2 are the terminal edges of the "second topsheet 14" and "first topsheet 11." These terminal edges are coextensive and are not spaced apart either upward or inward as required by applicants' claimed invention.

Appl. No. 10/016,411
Amdt. Dated March 1, 2004
Reply to Office Action of December 5, 2003

The Examiner's reliance upon Mishima as teaching a pair of leak-barrier sheets does not address or overcome the deficiencies noted above with regard to Tanji et al.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejections of the claims should hence be withdrawn.

Therefore, entry of the present amendment and reconsideration and withdrawal of the outstanding rejections of the claims and an early allowance of the claims is believed to be in order.

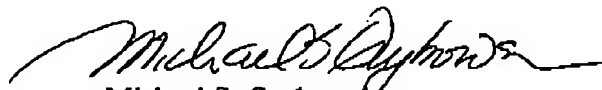
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

Appl. No. 10/016,411
Amdt. Dated March 1, 2004
Reply to Office Action of December 5, 2003

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

108223.1

-10-